

110TH CONGRESS
1ST SESSION

H. R. 3971

To encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 25, 2007

Mr. SCOTT of Virginia (for himself and Mr. FORBES) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Death in Custody Re-
5 porting Act of 2007”.

6 **SEC. 2. INFORMATION REGARDING INDIVIDUALS WHO DIE**
7 **IN THE CUSTODY OF LAW ENFORCEMENT.**

8 (a) IN GENERAL.—For each fiscal year after the ex-
9 piration of the period specified in subsection (b)(1) in
10 which a State receives funds for a program referred to

1 in subsection (b)(2), the State shall report to the Attorney
2 General, on a quarterly basis and pursuant to guidelines
3 established by the Attorney General, information regard-
4 ing the death of any person who is under arrest or is in
5 the process of being arrested, is en route to be incarcer-
6 ated, or is incarcerated at a municipal or county jail, State
7 prison, or other local or State correctional facility (includ-
8 ing any juvenile facility) that, at a minimum, includes—

9 (1) the name, gender, race, ethnicity, and age
10 of the deceased;

11 (2) the date, time, and location of death; and

12 (3) a brief description of the circumstances sur-
13 rounding the death.

14 (b) COMPLIANCE AND INELIGIBILITY.—

15 (1) COMPLIANCE DATE.—Each State shall have
16 not more than 30 days from the date of enactment
17 of this Act to comply with subsection (a), except
18 that—

19 (A) the Attorney General may grant an ad-
20 ditional 30 days to a State that is making good
21 faith efforts to comply with such subsection;
22 and

23 (B) the Attorney General shall waive the
24 requirements of subsection (a) if compliance
25 with such subsection by a State would be un-

1 constitutional under the constitution of such
2 State.

3 (2) INELIGIBILITY FOR FUNDS.—For any fiscal
4 year after the expiration of the period specified in
5 paragraph (1), a State that fails to comply with sub-
6 section (a) shall not receive 10 percent of the funds
7 that would otherwise be allocated for that fiscal year
8 to the State under subpart 1 of part E of title I of
9 the Omnibus Crime Control and Safe Streets Act of
10 1968 (42 U.S.C. 3750 et seq.), whether character-
11 ized as the Edward Byrne Memorial State and Local
12 Law Enforcement Assistance Programs, the Local
13 Government Law Enforcement Block Grants Pro-
14 gram, the Edward Byrne Memorial Justice Assist-
15 ance Grant Program, or otherwise.

16 (c) REALLOCATION.—Amounts not allocated under a
17 program referred to in subsection (b)(2) to a State for
18 failure to fully comply with subsection (a) shall be reallo-
19 cated under that program to States that have not failed
20 to comply with such subsection.

21 (d) DEFINITION.—In this section, the term “State”
22 has the same meaning given that term in section 901 of
23 the Omnibus Crime Control and Safe Streets Act of 1968
24 (42 U.S.C. 3791).

1 **SEC. 3. STUDY OF INFORMATION RELATING TO DEATHS IN**
2 **CUSTODY.**

3 (a) STUDY REQUIRED.—The Attorney General shall,
4 subject to the availability of appropriations under sub-
5 section (d), through grant or contract, provide for a study
6 of the information reported under section 2 (regarding the
7 death of any individual who is under arrest or is in the
8 process of being arrested, is en route to be incarcerated,
9 or is incarcerated at a municipal or county jail, State pris-
10 on, or other local or State correctional facility (including
11 any juvenile facility)) to—

12 (1) determine means by which such information
13 can be used to reduce the number of such deaths;
14 and

15 (2) examine the relationship, if any, between
16 the number of such deaths and the actions of man-
17 agement of such jails, prisons, and other correctional
18 facilities relating to such deaths.

19 (b) REPORT.—Not later than 2 years after the date
20 of the enactment of this Act, the Attorney General shall
21 prepare and submit to Congress a report that contains the
22 findings of the study required by subsection (a).

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out this section

- 1 \$500,000 for fiscal year 2009. Funds appropriated under
- 2 this subsection shall remain available until expended.

